

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

**Consent
Order of Restitution**

v.

DANIEL ABAYEV

22 Cr. 655 (PAC)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Kevin Mead and Steven Kochevar, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendant's conviction on Count One of the Indictment; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Daniel Abayev, the defendant, shall pay restitution in the total amount of \$3,456,169.50, pursuant to 18 U.S.C. § 3663, to the victim of the offense charged in Count One, at the following address:

The Port Authority of New York and New Jersey
Office of Inspector General
Attn: Kimberly Beard-Wilcher
5 Marine View Plaza, Suite 502
Hoboken, New Jersey 07030

Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is joint and several with the following defendant in the following case: Peter Leyman, 22 Cr. 655 (PAC). The defendant's liability to pay restitution shall continue unabated

until either the defendant has paid the full amount of restitution ordered herein, or the victim has recovered the total amount of each loss from the restitution paid by the defendant and all co-defendants ordered to pay the same victims.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2).

While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from prison will be paid as specified by the Court.

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid

balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Kevin Mead
KEVIN MEAD
STEVEN KOCHVAR
One Saint Andrew's Plaza
New York, NY 10007
Tel.: (212) 637-2211/2262

1/29/2024
DATE

DANIEL ABAYEV

By: Daniel Abayev
DANIEL ABAYEV

2/12/24
DATE

By: M. Myers
MATTHEW DANIEL MYERS
Myers & Galiardo LLP
52 Duane Street
New York, NY 10007

2/12/24
DATE

SO ORDERED:

Paul A. Crotty
HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

2/12/24
DATE